

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

ORDER

Criminal No. 14-352 ADM

Jaime Ira Henning,

Defendant.

David M. Genrich, Esq., Assistant United States Attorney, United States Attorney's Office, Minneapolis, MN, on behalf of Plaintiff.

Jaime Ira Henning, pro se.

On July 26, 2016, Defendant Jamie Ira Henning's Motion to Vacate under 28 U.S.C. § 2255 [Docket No. 41] was denied. See Mem. Op. Order [Docket No. 52]. On August 8, 2016, Defendant filed a Motion for to [sic] Withdraw the Opinion and Order Entered July 26, 2016 for Good Cause Shown and Denial of Due Process [Docket No. 54]. Defendant argues that the Order denying his § 2555 Motion should be withdrawn because he did not receive a copy of, nor an opportunity to respond to, the Government's Memorandum in Opposition [Docket No. 51] to his § 2255 Motion.

Defendant's Motion is denied. The Rules governing § 2255 proceedings do not give Defendants an automatic right to reply to the Government's memorandum. See U.S.C.S. Rules of Criminal Procedure, Section 2255 Rules, Rule (5)(d); United States v. Moreno, No. 11-178, 2013 WL 1104766, at *1 (D. Minn. Mar. 18, 2013). As in Moreno, the Court conducted a full and thorough examination of Defendant's claims and found no basis for his § 2255 Motion.

Based on the foregoing, and all the files, records and proceedings herein, **IT IS**

HEREBY ORDERED that Defendant Jaime Ira Henning's Motion for to Withdraw the Opinion and Order Entered July 26, 2016 for Good Cause Shown and Denial of Due Process [Docket No. 54] is **DENIED**.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: August 10, 2016.